IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.76 OF 1999

The Commissioner of Income tax .. Petitioner.

V/s.

Varma Mukherji P. Limited .. Respondent.

Mr.Vimal Gupta for the petitioner.

Ms.Aasifa Khan for the respondent.

CORAM : DR.S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 12TH MARCH, 2007.

P.C. :

1. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The above application was amitted on 29th June, 1999 on following substantial question of law :

> Whether on the facts and in the circumstances of the case, the Tribunal was right in holding that the adjustment of Rs.51,32,962/- made by the Assessing Officer u/s.143(1)(a) on account of the disallowance of excise duty u/s.43B involves a debatable issue and is therefore outside the scope of adjustments u/s.143(1)(a) ?

3. The above application pertains to AY 1991-92. The above question requires consideration. Disallowance of unpaid excise duty under Section 43B of the Income Tax Act is a debatable issue. In view thereof, statement of case is called for. The Tribunal is

directed to send the statement of case as expeditiously as possible.

4. The application is allowed.

(DR.S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)